

# **EXHIBIT 1**

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

Case No. 1:20-cv-908-RP

v.

DAVID CARTU, JONATHAN CARTU,  
JOSHUA CARTU, RYAN MASTEN,  
LEEAV PERETZ, NATI PERETZ, ALL  
OUT MARKETING LIMITED, BAREIT  
MEDIA LLC D/B/A SIGNALPUSH, BLUE  
MOON INVESTMENTS LTD., AND  
ORLANDO UNION INC.,

Defendants.

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**AFFIDAVIT IN SUPPORT OF MOTION FOR ENTRY OF DEFAULT**

I, Benjamin E. Sedrish, being duly sworn, state as follows:

1. I am an attorney for the plaintiff, Commodity Futures Trading Commission (“CFTC”), in the above-captioned action, and I am familiar with the file, records, and pleadings in this matter.
2. On September 2, 2020, the CFTC filed a four-count Complaint for Injunctive Relief, Civil Monetary Penalties, and Other Equitable Relief (ECF No. 1) against Defendants David Cartu, Jonathan Cartu, Joshua Cartu, Ryan Masten, Leeav Peretz, Nati Peretz, All Out Marketing Limited, BareIt Media LLC, Blue Moon Investments Ltd. (“Blue Moon”), and Orlando Union (“Orlando Union”), and summons were issued to each defendant.
3. In a Motion filed on July 14, 2021, the CFTC sought an Order from the Court allowing it to serve certain of the Defendants via alternative means. ECF No. 29.

4. By Order dated July 28, 2021, Judge Robert Pitman directed the CFTC to serve the Defendants located outside the United States by “(1) sending the Summons and Complaint via ordinary mail, no signature required, to each Foreign Defendant’s last known address, (2) sending the Summons and Complaint by email to accounts used by the Individual Foreign Defendants in connection with the fraudulent conduct at issue and to last known email addresses used by the Individual Foreign Defendants, and (3) publishing a notice in the form submitted at Dkt. 29-1 in the Times of Israel . . . and the Toronto Star, a daily newspaper based in Toronto, Ontario, advising the Foreign Defendants of this matter and providing a link to the Complaint.”<sup>1</sup> ECF No. 32 at 4–5.

5. Defendant Leeav Peretz was served with a summons and a copy of the Complaint via email on August 4, 2021, and via regular mail on August 11, 2021. Leeav Peretz was also served via publication through the Times of Israel for a week beginning on August 9, 2021, and through the Toronto Star for seven days, beginning on August 25, 2021 and ending on September 8, 2021. A copy of these publications is attached hereto as Exhibit A.

6. An Answer to the Complaint from Defendant Leeav Peretz was due on October 8, 2021.<sup>2</sup> Defendant Leeav Peretz has failed to appear, plead, or otherwise defend within the time allowed, and, therefore, is now in default.

7. Defendant Nati Peretz was served with a summons and a copy of the Complaint via email on August 4, 2021, and via regular mail on August 11, 2021. Nati Peretz was also served via publication through the Times of Israel for a week beginning on August 9, 2021, and

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<sup>1</sup> As used in the Order, the “Individual Foreign Defendants” are Defendants David Cartu, Jonathan Cartu, Joshua Cartu, Leeav Peretz, and Nati Peretz. The “Foreign Defendants” are Blue Moon, Orlando Union, and the Individual Foreign Defendants. ECF No. 32 at 1.

<sup>2</sup> Throughout this Affidavit, I have calculated the due date for responses to be 30 days from the date the notice was last published: September 8, 2021.

through the Toronto Star for seven days, beginning on August 25, 2021 and ending on September 8, 2021. A copy of these publications is attached hereto as Exhibit A.

8. An Answer to the Complaint from Defendant Nati Peretz was due on October 8, 2021. Defendant Nati Peretz has failed to appear, plead, or otherwise defend within the time allowed, and, therefore, is now in default.

9. Defendant Blue Moon was served with a summons and a copy of the Complaint via regular mail on August 11, 2021. Blue Moon was also served via publication through the Times of Israel for a week beginning on August 9, 2021, and through the Toronto Star for seven days, beginning on August 25, 2021 and ending on September 8, 2021. A copy of these publications is attached hereto as Exhibit A.

10. An Answer to the Complaint from Defendant Blue Moon was due on October 8, 2021. Defendant Blue Moon has failed to appear, plead, or otherwise defend within the time allowed, and, therefore, is now in default.

11. Defendant Orlando Union was served with a summons and a copy of the Complaint regular mail on August 11, 2021. Orlando Union was also served via publication through the Times of Israel for a week beginning on August 9, 2021, and through the Toronto Star for seven days, beginning on August 25, 2021 and ending on September 8, 2021. A copy of these publications is attached hereto as Exhibit A.

12. An Answer to the Complaint from Defendant Orlando Union was due on October 8, 2021. Defendant Orlando Union has failed to appear, plead, or otherwise defend within the time allowed, and, therefore, is now in default.

13. The CFTC now requests that the Clerk of the Court enter default against Defendants Leeav Peretz, Nati Peretz, Blue Moon Investments Ltd., and Orlando Union Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 1, 2021.

/s Benjamin E. Sedrish